

Senate File 2376 - Introduced

SENATE FILE 2376
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3165)

A BILL FOR

- 1 An Act relating to the administration of elections.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 47.4, Code 2024, is amended to read as
2 follows:

3 **47.4 Election filing deadlines.**

4 If the deadline for a filing pertaining to an election
5 falls on a day that the state or county commissioner's office
6 is closed for business, the deadline shall be extended to
7 the next day that the office of state commissioner or county
8 commissioner is open for business to receive the filing. ~~This~~
9 ~~section does not apply to the deadline for voter registration~~
10 ~~under section 48A.9, subsection 2.~~

11 Sec. 2. Section 48A.9, subsection 2, Code 2024, is amended
12 to read as follows:

13 2. The commissioner's office shall be open from 8:00 a.m.
14 until at least 5:00 p.m. on the day registration closes before
15 each regularly scheduled election. ~~However, if the last day to~~
16 ~~register to vote for a regularly scheduled election falls on~~
17 ~~the day after Thanksgiving, the deadline shall be the following~~
18 ~~Monday.~~

19 Sec. 3. Section 49.124, subsection 1, Code 2024, is amended
20 to read as follows:

21 1. The commissioner shall conduct, not later than the day
22 before each ~~primary and general~~ election, a training course for
23 all election personnel, ~~and the commissioner may do so before~~
24 ~~any other election the commissioner administers.~~ The personnel
25 shall include all precinct election officials and any other
26 persons who will be employed in or around the polling places
27 on election day. ~~At least two precinct election officials who~~
28 ~~will serve on each precinct election board at the forthcoming~~
29 ~~election shall attend the training course. If the entire board~~
30 ~~does not attend, those members who do attend shall so far as~~
31 ~~possible be persons who have not previously attended a similar~~
32 ~~training course. The commissioner shall not require a precinct~~
33 ~~election official to attend a training that is identical to a~~
34 ~~training that the precinct election official attended within~~
35 ~~the previous ninety days. The state commissioner shall adopt~~

1 rules pursuant to chapter 17A to implement instruction required
2 under this subsection.

3 Sec. 4. Section 49.128, subsection 1, unnumbered paragraph
4 1, Code 2024, is amended to read as follows:

5 No later than twenty days following a ~~general~~ an election,
6 the commissioner shall place on file in the commissioner's
7 office a certification that the county met the following
8 requirements at the ~~general~~ election:

9 Sec. 5. Section 49.128, subsection 1, Code 2024, is amended
10 by adding the following new paragraph:

11 NEW PARAGRAPH. *f.* The state commissioner may adopt rules
12 pursuant to chapter 17A to require that the commissioner
13 provide and certify additional information.

14 Sec. 6. Section 49.128, subsection 2, Code 2024, is amended
15 to read as follows:

16 2. ~~*a.*~~ If the county is required to conduct an audit under
17 section 50.51, the commissioner shall include a copy of the
18 results with the certification required under this section.

19 ~~*b.* If a county is not required to conduct an audit under~~
20 ~~section 50.51, the commissioner shall include a copy of the~~
21 ~~certification required under this section along with the~~
22 ~~election canvass summary report required under section 50.30A.~~

23 Sec. 7. NEW SECTION. **49.129 Pre-election submission**
24 **requirements.**

25 1. No later than ten days before the election, the
26 commissioner shall notify the state commissioner of all of the
27 following:

28 *a.* The date, time, and location the testing of voting
29 equipment required pursuant to section 52.35 is to be
30 performed.

31 *b.* The date the election notice will be published pursuant
32 to section 49.53 and where it will appear.

33 *c.* The date the election personnel training course required
34 pursuant to section 49.124 is to be conducted.

35 2. The state commissioner may adopt rules pursuant to

1 chapter 17A to require that the commissioner provide and
2 certify additional information.

3 Sec. 8. Section 50.15A, Code 2024, is amended to read as
4 follows:

5 **50.15A Unofficial results of voting —~~general election only.~~**

6 1. In order to provide the public with an early source
7 of election results before the official canvass of votes,
8 the state commissioner of elections, in cooperation with the
9 commissioners of elections, shall conduct an unofficial canvass
10 of election results following the closing of the polls on
11 the day of a regular city election, regular school election,
12 primary election, or general election, or any other election
13 at the discretion of the state commissioner. The unofficial
14 canvass shall report election results for national offices,
15 statewide offices, the office of state representative, the
16 office of state senator, and other offices or public measures
17 at the discretion of the state commissioner of elections.
18 The unofficial canvass shall also report the total number of
19 ballots cast at the ~~general~~ reported election.

20 2. a. After the polls close on election day, the
21 commissioner of elections shall periodically provide election
22 results to the state commissioner of elections as the precincts
23 in the county report election results to the commissioner
24 pursuant to [section 50.11](#). If the commissioner determines
25 that all precincts will not report election results before
26 the office is closed, the commissioner shall report the most
27 complete results available prior to leaving the office at the
28 time the office is closed as provided in [section 50.11](#). The
29 commissioner shall specify the number of precincts included in
30 the report to the state commissioner of elections and provide
31 an explanation in writing as to why all precincts will not be
32 reported.

33 b. The state commissioner of elections shall tabulate
34 unofficial election results as the results are received from
35 the commissioners of elections and shall periodically make the

1 reports of the results available to the public.

2 3. Before the day of the ~~general~~ reported election, the
3 state commissioner of elections shall provide a form and
4 instructions for reporting unofficial election results pursuant
5 to this section.

6 4. The state commissioner shall set a date and time by which
7 a commissioner must complete testing of the system used for the
8 unofficial canvass before the reported election.

9 Sec. 9. Section 50.48, subsection 5, Code 2024, is amended
10 to read as follows:

11 5. a. (1) At the conclusion of a recount, the recount
12 board shall make and file with the commissioner a written
13 report of its findings, signed by a majority of the recount
14 board.

15 (2) The commissioner or commissioner's designee may
16 assist in compiling the written report. The written report
17 shall include a full tally and accounting of ballots reviewed
18 by the recount board and shall be reported as required by
19 sections 50.24 and 53.20. The written report must allow the
20 commissioner to correct the canvass of voters in the manner
21 required by law, if applicable.

22 b. If the recount board's report is that the abstracts
23 prepared pursuant to the county board's canvass were incorrect
24 as to the number of votes cast for the candidates for the
25 office or nomination in question, in that county or district,
26 the commissioner shall at once so notify the county board. The
27 county board shall reconvene within three days after being so
28 notified, but no later than noon on the twenty-seventh day
29 following the election in question for a recount of the offices
30 of president and vice president, and shall correct its previous
31 proceedings.

32 Sec. 10. Section 53.17, subsection 4, unnumbered paragraph
33 1, Code 2024, is amended to read as follows:

34 When a person designated by the voter pursuant to section
35 53.33 retrieves a completed absentee ballot from the voter, the

1 designee shall, ~~upon request of the voter,~~ fill out a receipt
2 to be retained by the voter. The state commissioner shall
3 prescribe a form for receipts required by [this subsection](#). The
4 receipt shall include all of the following:

5 Sec. 11. Section 53.17, subsection 4, paragraph d, Code
6 2024, is amended by striking the paragraph.

7 Sec. 12. Section 53.17, subsection 4, paragraph f, Code
8 2024, is amended to read as follows:

9 *f.* A statement that the completed absentee ballot will
10 be delivered to the commissioner's office within seventy-two
11 hours of retrieving it from the voter or before the closing of
12 the polls on election day, whichever is earlier, ~~or that the~~
13 ~~completed absentee ballot will be mailed to the commissioner~~
14 ~~within seventy-two hours of retrieving it from the voter.~~

15 Sec. 13. Section 53.20, subsection 2, paragraph b, Code
16 2024, is amended to read as follows:

17 *b.* For the primary election, general election, and for any
18 election in which the commissioner determines in advance of
19 the election to report the results of the special precinct by
20 the resident precincts of the voters who cast absentee and
21 provisional ballots, the commissioner shall prepare a separate
22 absentee ballot style for each precinct in the county and shall
23 program the voting system to produce reports by the resident
24 precincts of the voters.

25 Sec. 14. Section 54.7, subsection 1, Code 2024, is amended
26 to read as follows:

27 1. The presidential electors and alternate electors shall
28 meet in the capitol, at the seat of government, on the first
29 ~~Monday~~ Tuesday after the second Wednesday in December next
30 following their election.

31 Sec. 15. Section 277.4, subsection 4, Code 2024, is amended
32 to read as follows:

33 4. Any person on whose behalf nomination petitions have been
34 filed under [this section](#) may withdraw as a candidate by filing
35 a signed statement to that effect with the secretary consistent

1 with section 44.9, ~~subsection 5.~~

2

EXPLANATION

3

The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5

This bill relates to the conduct of elections. The bill
6 changes the filing deadline for voter registration forms that
7 would be due on the day after Thanksgiving from the following
8 Monday to the next day the office of the county commissioner of
9 elections or the state commissioner of elections is open.

10

The bill requires a county commissioner of elections to
11 hold training for all election personnel before each election,
12 rather than before each primary and general election. The bill
13 prohibits a county commissioner of elections from requiring
14 a precinct election official to attend a training that is
15 identical to a training that the precinct election official
16 attended within the previous 90 days. The bill requires
17 the state commissioner of elections to adopt rules for the
18 implementation of required instruction.

19

The bill requires a county commissioner of elections
20 to place on file a certification that the office of the
21 commissioner met certain requirements within 20 days after
22 each election. Current law requires that such certifications
23 be filed after a general election. The bill allows the state
24 commissioner of elections to adopt rules requiring county
25 commissioners of elections to provide and certify additional
26 information. The bill strikes a provision requiring a county
27 commissioner of elections to include a copy of a certification
28 along with an election canvass summary report when a county is
29 not required to conduct an audit.

30

The bill requires a county commissioner of elections to
31 provide certain information to the state commissioner of
32 elections not later than 10 days before an election, including
33 the date, time, and location of equipment testing, the date and
34 location where the election notice will be published, and the
35 date that election personnel training will be conducted. The

1 bill allows the state commissioner to adopt rules to require
2 that a county commissioner provide and certify additional
3 information.

4 The bill requires the state commissioner of elections,
5 in cooperation with county commissioners of elections, to
6 conduct an unofficial canvass of election results following the
7 closing of polls for regular city, regular school, primary, or
8 general elections, and any other election at the discretion of
9 the state commissioner. Current law requires an unofficial
10 canvass only for general elections. If a county commissioner
11 of elections determines that all precincts will not report
12 results before the office is closed, the bill requires the
13 county commissioner to provide a written explanation as to why.
14 The bill requires the state commissioner to set a date by which
15 a commissioner must complete testing of equipment used for an
16 unofficial canvass.

17 The bill requires a recount board to include in its written
18 report following the conclusion of a recount a full tally
19 and accounting of ballots reviewed by the board. The report
20 must allow the county commissioner of elections to correct the
21 canvass of votes in the manner required by law, if applicable.
22 The bill requires the report to be signed by a majority of the
23 recount board and allows the commissioner or the commissioner's
24 designee to assist in compiling the report. If the report is
25 that the initial abstracts were incorrect, the bill requires
26 the county board to reconvene no later than noon 27 days
27 following an election if the election is for president or vice
28 president.

29 The bill removes a requirement that a receipt filled out by a
30 person designated to return a voter's completed absentee ballot
31 include a statement regarding the time by which the person
32 will return the ballot and the name of the political party,
33 candidate, or committee for which the designee is acting as an
34 actual or implied agent. Code section 53.33 prohibits such a
35 person from delivering a completed absentee ballot. The bill

1 also removes a provision allowing a voter to request that a
2 person collecting an absentee ballot fill out a receipt. Code
3 section 53.33 makes such receipts mandatory.

4 The bill requires the county commissioner of elections to
5 prepare a separate absentee ballot style for each precinct in
6 the county and program the voting system to produce reports by
7 the resident precincts of the voters for each primary election.

8 The bill updates an internal reference regarding withdrawals
9 of candidates for school district elections.

10 The bill changes the meeting date for presidential electors
11 and alternates from the first Monday after the second Wednesday
12 in December next following the election to the first Tuesday
13 after the second Wednesday in December next following the
14 election.